



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF OCTOBER 30, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-137 People v. Mitchell, S090791. (B123823; 82 Cal.App.4th 55, mod. 82 Cal.App.4th 1041b.) Petition for review after the Court of Appeal modified sentence and otherwise affirmed a judgment of conviction of criminal offenses. The case concerns whether the People can seek to have the abstract of judgment corrected on appeal if it fails to reflect the sentence orally imposed by the trial court.

#00-138 People v. Diaz, S091158. (C025890; 82 Cal.App.4th 503.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Acosta, S089120 (#00-104) and People v. Graves, S089533 (#00-105), which include the issue whether the one strike law (Pen. Code, § 667.61) and the three strikes law (Pen. Code, § 667, (b)-(i)) operate together or exclusively of one another.

#00-139 Hooker v. Department of Transportation, S091601. (B128914.) Unpublished opinion. Petition for review after the Court of Appeal reversed a summary judgment in a civil action. The court ordered briefing deferred pending decision in Camargo v. Tjaarda Dairy, S088632 (#00-93), which concerns whether a cause of action for negligent hiring may be brought against the hirer of an independent contractor

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by an employee of the independent contractor who was injured in the course of his employment.

#00-140 Kearney & O'Banion, Inc. v. State Comp. Ins. Fund, S091643. (A088078.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment on the pleadings in a civil action. The court ordered briefing deferred pending decision in State Comp. Ins. Fund v. Superior Court, S082133 (#99-173), which concerns whether Insurance Code section 11758 bars a civil action against a workers' compensation insurer for allegedly misreporting employers' loss histories to the Workers' Compensation Insurance Rating Bureau.

DISPOSITIONS

#99-21 People v. Aguayo, S071483, was transferred to the court of appeal for reconsideration in light of People v. Deloza, 18 Cal.4th 585, and People v. Lawrence, 24 Cal.4th 219.

#00-61 People v. Thomas, S086967, was transferred to the court of appeal for reconsideration in light of People v. Lawrence, 24 Cal.4th 219.

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